

SN

Notice of Allowability	Application No.	Applicant(s)	
	10/795,775	BRAY ET AL.	
	Examiner	Art Unit	
	Louis K. Huynh	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed March 08, 2004.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 08 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Art Unit: 3721

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. John Salazar (Reg. No. 39,353) on March 22, 2005.
3. The application has been amended as follows:

In the specification:

"23" on page 5, line 17 has been changed to: --22--;

"hinge line 16" on page 6, line 7 has been changed to: --hinge line 16b--;

"section 16" on page 9, line 2 has been changed to: --section 15--.

In Claim 1:

after "foil wrapped bundle" and before "." on the last line, the phrase:

--; and

a cutting mechanism for cutting said outer frame along a mating
bottom edge of said first cigarette foil wrapped bundle and said
second cigarette foil wrapped bundle--

has been inserted.

In Claim 4:

"an exit conveyor" (line 4) has been changed to: --a first exit conveyor--;

"a convey" (line 8) has been changed to: --a conveyor--;

Art Unit: 3721

“wherein” (line 8) has been changed to: --receiving--;

after “machine” and before “having” on line 10, the phrase --forming the multiple hinged lid cigarette pack and-- has been inserted.

In Claim 22:

“foil wrap bundle” (last line) has been changed to: --foil wrapped bundle and cutting said outer frame to allow said first and said second foil wrapped bundles to hinge--.

In Claim 23:

“in a drying drum” (last line) has been changed to: --and a drying drum--.

In Claim 29:

“an out frame” (line 8) has been changed to: --an outer frame--;

“thereby allowing” (line 10) has been changed to: --; and cutting said outer frame to thereby allow--;

after “hinge line” and before “.” on the last line, the phrase --on said outer frame-- has been inserted.

In Claim 30:

“further comprising” (line 1) has been changed to: --wherein cutting said outer frame comprises--.

In Claim 31:

“such that combined cigarette bundle hinges about a vertical hinge line” on the last line has been changed to:

--; and

Art Unit: 3721

cutting said outer frame such that said thirteen and said seven cigarette bundle inner frame cartons are allowed to hinge relative to each other about a vertical hinge line on said outer frame--.

4. The following is an examiner's statement of reasons for allowance:
- With respect to Claim 1, the prior art of record fails to disclose and/or teach a cigarette packing machine that comprises in combination a first and a second packing machines for respectively forming a first and a second foil wrapped cigarette bundle surrounded by their respective first and second inner frame, a third cigarette packing machine for receiving the first and the second foil wrapped bundles in face-to-face relationship, and for partially surrounding the first and second bundles with an outer frame, and a cutting mechanism for cutting the outer frame along a mating bottom edge of the first and second foil wrapped bundles so that the first and second foil wrapped bundles are allowed to hinge about hinge line along a mating side edge of the first and second foil wrapped bundles.
 - With respect to Claims 4 and 15, the prior art of record fails to disclose and/or teach a cigarette packing machine that comprises in combination a combination conveyor and a third cigarette bundle wrapping machine having a drying drum and a cutting mechanism.
 - With respect to Claim 22, the prior art of record fails to disclose and/or teach a cigarette packing machine that comprises in combination a combination conveyor that receives the first and the second foil wrapped bundles, and a third cigarette bundle wrapping machine that wraps an outer frame around the first and the second bundles, adheres a hinged panel

Art Unit: 3721

of the outer frame to on a side panel of the first foil wrapped bundle and cuts the outer frame to allow the first and the second foil wrapped bundles to hinge about a vertical hinge line on the outer frame.

- With respect to Claims 29 and 31, the prior art of record fails to disclose and/or teach a method of forming a hinged lid side-by-side vertical hinged cigarette pack that comprises in combination the steps of: adhesively applying a vertical hinge panel of the outer frame to the first foil wrapped bundle, and cutting the outer frame to allow the first and the second foil wrapped bundle to hinge about a vertical hinge line on the outer frame.

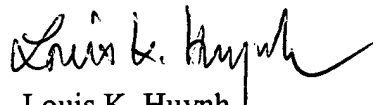
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (571) 272-4462. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3721

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Louis K. Huynh
PRIMARY EXAMINER
Art Unit 3721

March 23, 2005